

REMARKS

Claim 39 is added, and claims 19 to 39 are therefore now pending.

Reconsideration is respectfully requested based on the following, since claims 19 to 39 are allowable.

Applicants thank the Examiner for accepting the drawings.

Applicants thank the Examiner for indicating that claims 37 and 38 contain allowable subject matter. While the objections may not be otherwise agreed with, to facilitate matters, claims 37 and 38 have been rewritten as independent claims and they are therefore allowable. It is therefore respectfully requested that the objections be withdrawn.

Claims 19 to 36 were rejected under 35 U.S.C. §103(a) as unpatentable over Grochowski et al. U.S. Patent No. 6,615,366 (the “Grochowski” reference) in view of Moy et al. U.S. Patent No. 6,947,047 (the “Moy” reference).

To reject a claim under 35 U.S.C. § 103(a), the Office bears the initial burden of presenting a *prima facie* case of obviousness. *In re Rijckaert*, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish *prima facie* obviousness, three criteria must be satisfied. First, there must be some suggestion or motivation to modify or combine reference teachings. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). This teaching or suggestion to make the claimed combination must be found in the prior art and not based on the application disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

As clearly indicated by the Supreme Court, it is “important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the [prior art] elements” in the manner claimed. *See KSR Int’l Co. v. Teleflex, Inc.*, 127 S. Ct. 1727 (2007). In this regard, the Supreme Court further noted that “rejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *Id.*, at 1396. Second, there must be a reasonable expectation of success. *In re Merck & Co., Inc.*, 800 F.2d 1091, 231 U.S.P.Q. 375 (Fed. Cir. 1986). Third, the prior art reference(s) must teach or suggest all of the claim features. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974).

While the rejections may not be agreed with, to facilitate matters, claims 19, 34 and 36 have been rewritten as follows.

The new claim feature in which “the identification is made on the operating system level by assignment of entire operating system task” is disclosed on page 7, line 8 to 10 of the substitute specification. This means that on the level of the operation system, an identifier is present that make the connection between an operating system task and a mode of operation. By this identification, predefined tasks of the operating system are identified to run only in one operating mode. This is especially useful if certain tasks of the operating system are operated in a mode where the two execution units perform the same operating system tasks. Further, this identification is made on the operating system level which means that the operating system itself contains the identifier which assigns a specific task of the operation system to an operating mode.

None of the applied references discloses an identification made on the operating system level which assigns an operating system task to a specific operating mode, as provided for in the context of each of claims 19, 34 and 36, as presented.

As to the Grochowski reference, at best, it may concern the use of switching instructions to change the operating mode, but it simply does not disclose nor suggest the direction in which identification is made on the operating system level by assigning operating system task to a specific operating mode.

Also, the Moy reference does not cure this critical deficiency, since at best, it concerns deciding how to process the data which is based on the amount of data -- and not on an identification which is made on the operating system level.

Accordingly, the Grochowski and Moy references, whether taken alone or combined, do not disclose nor suggest the presently claimed subject matter of claims 19, 34 or 36, as presented.

It is therefore respectfully submitted that claims 19, 34, 36, as presented, are allowable, as are their respective dependent claims. It is therefore respectfully requested that the rejections be withdrawn.

New claim 39 does not add any new matter and is supported by the present application, including the specification. Claim 39 depends from claim 19, as presented, and is therefore allowable at least for the same reasons. Additionally, claim 39 recites a further combination of features, which are plainly not disclosed nor suggested in any way by the applied references.

In summary, all of pending claims 19 to 36 to 39 are allowable.

CONCLUSION

In view of the foregoing, all pending claims 19 to 39 are allowable. It is therefore respectfully requested that the objections and rejections be withdrawn. Prompt reconsideration and allowance of the present application are therefore respectfully requested.

Respectfully submitted,

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